


<b>Colorado Department of Health Care Policy and Financing</b> <b>1570 Grant St., Denver, CO 80203-1818</b>	<b>NUMBER:</b> HCPF 07-022
	<b>CROSS REFERENCE:</b> HCPF 06-028 HCPF 06-031 HCPF 06-032 HCPF 06-033 HCPF 07-005 HCPF 07-019
<b>DIVISION OR OFFICE:</b> Client and Community Relations Office	<b>DATE:</b> December 31, 2007
<b>SUBJECT AREA:</b> Medicaid Eligibility-Citizenship and Identity Documentation Requirements	
<b>SUBJECT:</b> Final Medicaid Citizenship and Identity Documentation Rules	<b>APPROVED BY:</b> 
<b>TYPE:</b> I - Information	

*HCPF Agency Letters can be accessed online at:  
[www.chcpf.state.co.us](http://www.chcpf.state.co.us) >> County and Medical Assistance Site Correspondence >> Agency Letters*

### **Purpose:**

The purpose of this agency letter is to provide County Departments of Social/Human Services and Medical Assistance sites with the latest information and rules concerning the citizenship and identity documentation requirements for the Medicaid program and to rescind outdated and superseded agency letters.

### **Background:**

On July 13, 2007, the federal government issued final regulations concerning citizenship and identity documentation requirements for the Medicaid program. These regulations expanded the list of documents a Medicaid applicant or client may use for establishing his or her citizenship and identity and changed some of the documentation requirements. On December 14, 2007, the Medical Services Board adopted final rules to incorporate the federal changes into the Medicaid rules. The citation for the new rules is 10 C.C.R. 2505-10, Section 8.100.53.A2., and a copy is attached.

### **Rescission of Prior Agency Letters**

The following agency letters are hereby rescinded effective January 1, 2008:

HCPF 06-028 dated June 30, 2006  
HCPF 06-031 dated July 19, 2006



HCPF 06-032 dated July 21, 2006

HCPF 06-033 dated September 13, 2006

HCPF 07-005 dated February 21, 2007

HCPF 07-019 dated July 17, 2007

### **Procedure or Information:**

Effective January 1, 2008, please refer to the attached rules as well as this agency letter to implement the citizenship and identity documentation requirements for the Medicaid program. The Department strongly encourages any individuals who are involved with determining eligibility for Medicaid to read these new rules carefully, as there are numerous changes.

#### **A. Changes to the List of Acceptable Documents**

The following are the major changes to the list of documents an individual may use to satisfy the citizenship and identity documentation requirements:

##### **1) Citizenship Documents**

- a) Certain children born outside the United States who became US citizens under section 320 of the Immigration and Naturalization Act may now satisfy the citizenship documentation requirement under certain conditions (8.100.53.A2.2.b.12).
- b) Religious records which meet certain criteria are acceptable third level evidence of citizenship (8.100.53.A2.2.c.3).
- c) School records may now be used as third level evidence of citizenship (8.100.53.A2.2.c.4).
- d) Affidavits of citizenship no longer need to be notarized and they may be used by individuals born outside the U.S.(8.100.53.A2.2.d.5).

##### **2) Identity Documents**

- a) Three or more documents that corroborate an individual's identity may be used to satisfy the identity documentation requirement under certain conditions (8.100.53.A2.3.h).
- b) For children under the age of 16, clinic, doctor, or hospital records may be used to satisfy the identity documentation requirement (8.100.53.A2.3.i.1).
- c) For children under the age of 16, if school, nursery, or daycare records are used to satisfy the identity documentation requirement, they must be verified with the issuing school, nursery, or daycare (8.100.53.A2.3.i.2.b).



- d) Affidavits of identity no longer need to be notarized and may be used by disabled individuals of any age in institutional care facilities if certain criteria are met (8.100.53.A2.3.j). A revised affidavit of identity form is attached.
- e) Individuals may use expired identity documents as long there is no reason to believe that the document does not match the individual (8.100.53.A2.3.k.1).

## **B. Changes to the Documentation Requirements**

The following are the major changes to the documentation requirements:

### **1) Notarized Documents**

Effective January 1, 2008, all citizenship and identity documents must either be originals or copies certified by the issuing agency (certified copies) (8.100.53.A2.4.a). Notarized copies of documents are no longer acceptable.

Individuals who submitted notarized copies of citizenship and/or identity documents as part of an application or redetermination before January 1, 2008 are not required to submit originals or certified copies for any application or redetermination processed on or after January 1, 2008 (8.100.53.A2.4.b).

### **2) Submitting Documents**

#### To Counties

Individuals or their guardians or authorized representatives may submit citizenship and identity documents to counties in person or by mail. They shall not be required to submit documents in person (8.100.53.A2.4.d.).

If an individual submits an original or certified copy of a citizenship and/or identity document to a county in person, the following represents the steps to be followed by county workers:

- a) Make a copy of the document(s);
- b) Complete a "Citizenship and Identity Documentation Received" form (copy attached), stamp the copy, or provide other verification that identifies that the documents presented were originals. This verification must include:



1. The name of the individual who viewed the documents;
  2. The individual's telephone number;
  3. The individual's agency's name and address; and
  4. The individual's signature;
- c) Attach the form or other verification to the copied document(s); and
- d) Return or mail the original documents to the individual within five business days of the date on which they were received (8.100.53.A2.4.g).

#### To Other Locations

In addition, individuals may present citizenship and identity documents in person to Presumptive Eligibility (PE) sites, Federally Qualified Health Centers (FQHCs), or Disproportionate Share Hospitals (DSHs) for verification (8.100.53.A2.4.e). Please see the attached "List of Locations That Can Verify Documents." The Department is currently reviewing options for expanding this list to include community based organizations and other locations. If additional locations are added, they will be published in a future agency letter.

If an individual presents an original or certified copy of a citizenship or identity document to one of these locations, staff at those locations should take the following steps:

- a) Make a copy of the document(s);
- b) Complete a "Citizenship and Identity Documentation Received" form (copy attached), stamp the copy, or provide other verification that identifies that the documents presented were originals. This verification must include:
  1. The name of the individual who viewed the documents;
  2. The individual's telephone number;
  3. The individual's organization or agency's name and address; and



4. The individual's signature;

- c) Attach the form or other verification to the copied document(s); and
- d) Forward the copies of the documents with the verification to the appropriate county (or return them to the individual to submit to the county) (8.100.53.A2.4.g).

Counties should accept any copies of documents made by the locations described above as long as they include the required verification (8.100.53.A2.4.f).

**3) One Time Requirement**

Once a Medicaid client or applicant has provided the required citizenship and identity documentation, he or she should not be required to submit the documentation again unless:

- a) Later evidence raises a question about the individual's citizenship or identity, or
- b) there is a gap of more than five years between the ending date of the individual's last period of eligibility and a subsequent application for Medicaid and the county has not retained the documents the individual previously provided (8.100.53.A2.4.h).

**4) Name Change Provisions**

If a Medicaid client or applicant has changed his or her last name, he or she should not be required to submit any documentation concerning the name change unless:

- a) The personal information in the citizenship and identity documentation does not match in every way (with the exception of the last name); or
- b) In addition to changing his or her last name, the individual also changed his or her first name and/or middle name; or
- c) There is a reasonable basis for questioning whether the citizenship and identity documents belong to the same individual.



**C. Requirement to Provide Assistance**

The new rules include a requirement that counties provide a reasonable level of assistance to applicants and clients in obtaining the required citizenship and identity documentation. Examples of a reasonable level of assistance include:

- 1) Providing contact information for agencies that issue documents;
- 2) Explaining the documentation requirements and how the applicant or client may provide the documentation; or
- 3) Referring the applicant or client to other agencies or organizations which may be able to provide assistance (8.100.53.A2.7).

Counties are not required to pay for or assist in the payment for documents.

If an individual can not comply with the requirements due to physical or mental impairments or homelessness and the individual does not have a guardian or representative who can help, counties should provide additional assistance. This assistance could include:

- 1) Contacting any known family members who may have the required documents;
- 2) Contacting any known current or past health care providers who may have the required documents; or
- 3) Contacting other social service agencies or organizations that are known to have provided assistance to the individual (8.100.53.A2.8).

Counties should document their efforts at providing additional assistance.

**D. Reasonable Opportunity Period**

Under the previous rules, all applicants and clients were given a reasonable opportunity period of up to 10 business days to provide the required documentation. If an individual did not provide the required documentation within 10 business days, his or her application was denied or his or her eligibility was terminated. The individual was then given a 10 week period in which to provide the required documents. If the documents were provided within that 10 week period, then the denial would be rescinded. This was known as the 10 week rescission period.

The new rules make several changes to the reasonable opportunity period. All of these changes are effective January 1, 2008.



- 1) The reasonable opportunity period for all family and children categories and programs covered by the federal citizenship and identity documentation requirements is **14 calendar days**. This is for all individuals, including adults, covered by these programs and includes the following:

1931 Medicaid	8.105.11
Transitional Medicaid	8.106.71-.75
Four Month Extended Medicaid	8.106.76
Institutionalized (Psych) under age 21	8.101.2.A
Parents Plus Program	8.101.11.O
Qualified Child	8.101.11.B
Expanded Child	8.101.11.F
Ribicoff Child	8.101.11.G
Qualified Pregnant	8.101.11.J.a
Expanded Pregnant	8.101.11.J.b

- 2) The reasonable opportunity period for all adult categories and programs covered by the federal citizenship and identity documentation requirements is **70 calendar days**. This is for all individuals, including children, covered by these programs and includes the following:

Old Age Pension A (OAP-A)	8.110.61-.613
Old Age Pension B (OAP-B)	8.110.61-.613
Qualified Disabled Widow/Widower	8.110.29-.291
Pickle	8.110.21-.27
Long-Term Care	8.110.30
Breast and Cervical Cancer Program (BCCP)	8.715

- 3) The 10 week rescission period is eliminated for all Medicaid categories and programs. If a client or applicant does not provide the required citizenship and/or identity documentation within the appropriate reasonable opportunity period, then the Medicaid application should be denied or the individual's eligibility terminated unless the good faith efforts exception described below applies.

#### **E. Good Faith Efforts**

In some cases, a Medicaid client or applicant may not be able to obtain the required citizenship and/or identity documentation within the applicable reasonable opportunity period. For example, it may take several weeks for a client or applicant to obtain a new birth certificate from another state. If the Medicaid client or applicant is making a good faith effort to obtain the required documentation, then the reasonable opportunity period should be extended to give the individual more time to obtain the documents. The amount of time the individual should be given should be determined on a case-by-case basis and



should be based on the amount of time the individual needs to obtain the required documents. This will vary depending on what document the client or applicant is attempting to obtain and the processing times of the agency or organization that issues the document. Examples of a good faith effort include, but are not limited to:

- 1) Providing verbal or written statements describing the individual's efforts at obtaining the required documentation;
- 2) Providing copies of emails, letters, applications, checks, receipts, or other materials sent or received in connection with a request for a citizenship or identity document; or
- 3) Providing verbal or written statements of the individual's efforts at identifying people who could attest to the individual's citizenship or identity.

An individual's verbal statements describing his or her efforts at securing the required citizenship and/or identity documents should be accepted without any additional verification unless there is a reasonable basis for questioning the accuracy or truthfulness of the statements. The individual's good faith efforts should be documented in the case file and are subject to the five year record retention requirement described in 8.100.53.A2.5.

In some cases, providing individuals with additional time to obtain the required citizenship and identity documents may result in an application exceeding the timely processing guidelines described in 8.100.27. As long as the individual's good faith efforts are documented in the case file, cases that exceed the timely processing guidelines because the individual has been given additional time to provide citizenship and/or identity documents will **not** count against the county. 8.100.27.D provides for an exception to the normal 45 and 90 day processing guidelines for "unusual circumstances documented in the case record," and providing individuals additional time to get citizenship and identity documents falls under this exception.

**Effective Date:**

January 1, 2008

**Contact Persons:**

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**Attachments:**

Final Citizenship and Identity Documentation Rules  
Affidavit of Identity  
Citizenship and Identity Documentation Received Form  
List of Locations That Can Verify Documents